

BEFORE THE FEDERAL ELECTION COMMISSION

2016 APR 32 PM 12: 55

ENFORCEMENT PRIORITY SYSTEM  
DISMISSAL REPORT

MUR: 6963

Complaint Receipt Date: September 8, 2015

Response Date(s): October 5, 2015

Respondents: Bullwinkel for Congress

Donna Depaul-Kelly as treasurer  
(collectively the "Committee")

CELA

EPS Rating:

Alleged Statutory/  
Regulatory Violations:

52 U.S.C. § 30120(a)(1)  
11 C.F.R. §§ 110.11(a)(1), (b)(1)

The Complaint alleges that the Committee violated the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations by failing to include the required disclaimers on its website. The Complaint attaches a printout of the Committee's campaign website home page, debforcongress.com, as well as a printout of the website's "Biography" page, neither of which displays a disclaimer. The Committee acknowledges that its web administrator had not followed instructions concerning the disclaimer requirements, but states that it has since corrected the error. The Committee's response attached printouts of corrected versions of the home page and "Biography" page, each of which now appears to display the proper disclaimer.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for

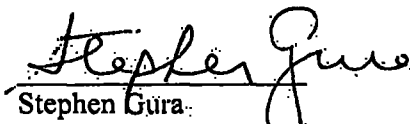
10044601-148

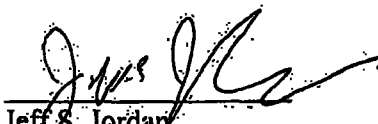
Commission action after application of these pre-established criteria. Given that low rating and the other circumstances presented, we recommend that the Commission dismiss the allegations consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

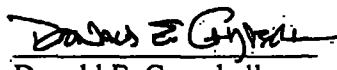
Daniel A. Petalas  
Acting General Counsel

Kathleen M. Guith  
Acting Associate General Counsel  
for Enforcement

5.2.16  
Date

BY:   
Stephen Gura  
Deputy Associate General Counsel  
for Enforcement

  
Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination  
& Legal Administration

  
Donald E. Campbell  
Attorney  
Complaints Examination  
& Legal Administration

16047405-1-150